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SEP 03 2004

In re Application of
Willen, Estornell, Kirk, Miller, and Walsh
Application No.: 10/705,758
Filed: November 12, 2003
Attorney Docket No: 1481.010006
For: System. Method, and Computer Program Product for
Forecasting Weather-Based Demand Using Proxy Data

: **OFFICE OF PETITIONS**
:
: **DECISION ACCORDING**
: **RULE 47(a) STATUS**
:

This is in response to the petition under 37 CFR 1.47(a), filed June 23, 2004.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

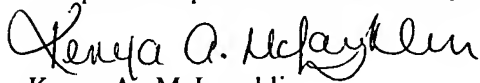
The above-cited application was filed on November 12, 2003, and was not accompanied by a proper oath or declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on February 4, 2004, requiring a properly executed declaration, \$65.00 surcharge, and payment of the filing fee. The notice allowed an extendable period for reply of two months from its mailing date. On June 23, 2003, the instant petition was filed along with a request for an extension of time within the third-month, a declaration executed by four of the five named inventors, and the filing fee.

Petitioner has shown that inventor Kirk has constructively refused to join the filing of the above-identified application after having been presented with the application papers. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (703) 305-0010.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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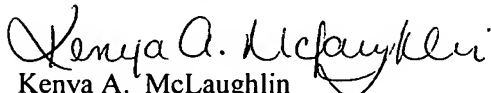
In re Application of :
Willen, Estornell, Kirk, Miller, and Walsh :
Application No. 10/705,758 :
Filed: November 12, 2003 :
Attorney Docket No. 1481.010006 :
For: System, Method, and Computer Program
Product for Forecasting Weather-Based Demand
Using Proxy Data

Dear Mr. Kirk:

You are named as a joint inventor in the above-identified United States reissue patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. It should be further noted that any assignee of record of the entire interest in the application may request that the inventor(s) be excluded from access to the application. If the request is granted, you will be informed of that fact and will only be permitted to inspect the application on sufficient showing of why such inspection is necessary to conserve your rights. See MPEP 106, citing, *In re The Kellogg Switchboard & Supply Company*, 1906 C.D. 274 (Comm'r Pat. 1906).

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (703) 305-0010. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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